

SECOND PROTOCOL TO AMEND THE AGREEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF EL SALVADOR  
CONCERNING THE ESTABLISHMENT OF AN AMERICAS FUND AND  
ADMINISTERING COMMISSION

The Government of the United States of America (USG) and the Government of the Republic of El Salvador (GOES) (the "Parties"),

Recalling the Agreement between the USG and the GOES Concerning the Establishment of an Americas Fund and Administering Commission dated June 18, 1993 (as amended, the "Agreement"), amended by an exchange of notes between the Parties dated March 5, 1999 and further amended by the Protocol Between the USG and the GOES Amending the Agreement Concerning the Establishment of An Americas Fund and Administering Commission, signed September 14, 2001;

Taking note of the Agreement between the USG and the GOES Concerning the Establishment of a Tropical Forest Conservation Fund and the Operation of a Tropical Forest Conservation Commission, signed September 14, 2001 (the "TFCA Fund Agreement"), amended this date by the "Protocol between the Government of the United States of America and the Government of the Republic of El Salvador Amending the Agreement Concerning the Establishment of a Tropical Forest Conservation Fund and the Operation of a Tropical Forest Conservation Commission";

Further taking note that the funding of grants pursuant to the Agreement and the TFCA Fund Agreement should be consistent with the strategic priorities of the GOES for the protection of the natural resources of El Salvador;

Have agreed to amend the Agreement as follows:

I. Article III

A. Subparagraph III.3.C is deleted and replaced with:

C. four individuals who represent a broad range of (i) environmental nongovernmental organizations of El Salvador, (ii) child survival and child development nongovernmental organizations of El Salvador, (iii) local community development nongovernmental organizations of El Salvador, and (iv) scientific or academic organizations or institutions of El Salvador. These representatives shall be approved jointly by the Parties; and

B. Subparagraph III.4 is hereby amended to delete the last sentence and replace it with the following:

Up to two consecutive terms may be permitted.

C. Subparagraph III.5 is deleted and replaced with the following with the understanding that the phrase "existing member of the Commission" refers solely to the members of the Commission on the date of signature of this Second Protocol:

No organization may be approved for a grant if any of its current directors, employees, officers, consultants or associates with a role in the governance of such organization (whether paid or unpaid) is a member of or a relative of a member of the Commission. Relatives shall include parents, siblings and children (and the current spouses or cohabitants of any of them or of the Commission member). An organization shall also be ineligible to be approved for a grant while any Commission member is in discussions with or has an arrangement with such organization for future employment or other affiliation (paid or unpaid).

Notwithstanding the foregoing restriction, each existing member of the Commission who has a relationship with a grant recipient such as described above must disclose such relationship to the Commission and must not participate in any Commission discussions, nor exercise any vote, concerning such grant recipient, however, the recipient shall remain eligible for new grants (notwithstanding its relationship with such Commission member) for the remainder of the current term of such Commission member.

## II. Article IV

A. Subparagraphs IV.7 and IV.8 of the Agreement are deleted and replaced with the following revised subparagraph IV.7:

The Commission may proportionally draw sums from Accounts 1, 2 and 3 necessary to pay for the Commission's administrative expenses, including technical assistance and the fiscal and programmatic audits required pursuant to this Article and Article IV of the TFCA Fund Agreement. The Commission may vote to pay a reasonable flat per diem rate to reimburse, without the need for receipts, the expenses of Commission members appointed under subparagraphs III.3.C and III.3.D for attendance at Commission meetings. The proportionally drawn sums from each Account may not exceed 15% per annum of the respective total amount of grants approved for implementation in such year. This 15% amount may be changed by the Parties from time to time by mutual agreement. The proportional contribution by each Account to the collective administrative expenses of the Commission, including staff, and the operation of each Account shall not exceed the proportion that the dollar value of the amount of grants approved from such Account bears in relation to the total dollar value of all grants funded from all Accounts in the Fund, as computed on an annual basis.

Any unused amounts shall be returned proportionally to the three Accounts.

B. Former subparagraph IV.9 is renumbered as subparagraph IV.8.

### III. Article V

Due to the changes made in Article III.5, Article V.5 is deleted and replaced with the following:

Grants shall be awarded within the financial capacity of the Commission and strictly on the merits of proposals presented to the Commission and otherwise in accordance with the requirements of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Second Protocol.

Done at San Salvador, this 2 day of April, 2009, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA

  
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ROBERT I. BLAU  
CHARGE D'AFFAIRES, a.i.

FOR THE GOVERNMENT OF THE  
REPUBLIC OF EL SALVADOR



  
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MISOL ARGUETA DE BARILLAS  
MINISTER OF FOREIGN AFFAIRS